Supreme Court, U.S.
FILED

No. 931464 FEB - 3 1994

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1993

George F. Strobridge,
Petitioner

versus

United States of America
United States Attorney General
United States Dept. of Justice
State of New York
New York States Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
Monroe County Public Defender
City of Rochester
Rochester City Court
Monroe County Bar Assoc.
American Civil Liberties Union
Rochester Telephone Corporation,
Board of Directors
Respondents

ON PETITION FOR A WRIT OF CERTIORARI
TO THE 2nd. CIRCUIT COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

George F. Strobridge, Prose
4058 East Henrietta Road
Henrietta New York 14467
Tel.No. 716- 359-3497

22 pp

QUESTION PRESENTED

CAN PETITIONER-WHISTLEBLOWER, GEORGE F. STROBRIDGE BE ENSLAVED FOR LIFE, BY ALL LEVELS OF GOVERNMENT,BE SHUTOFF FROM THE USE AND PROTECTION OF THE LAW, POLICE, COURTS, PROFESSIONAL HELP, DUE PROCESS OF LAW,: WHILE BEING STRIPPED OF HIS FAMILY, CHILDREN, GRAND CHILDREN, PROPERTY, POSS-ESSIONS, LIVLIHOOD,REPUTATION, RIGHTS AND TOOLS OF CITIZENSHIP. AND NOT BE ALLOWED ANY RECOURSE OR REDRESS EXCEPT HIS KNOW-LEDGE, TRAINING AND EXPERIENCE IN ALL CONSTRUCTION TRADES, ELECTRONICS, EXPLOSIVES, AND WEAPONS???? AND IF THIS COURT FAILS OR REFUSES TO ORDER A SPECIAL PROSECUTOR AND SPECIAL GRAND JURY TO INVESTIGATE AND PROSECUTE THE WATERGATE OF NEW YORK AND THE JEWISH MAFIA. SHOULD THE PETITIONER, THEN PROCEED TO USE THE VIOLENT MEANS THAT EVERYONE HAS DEMANDED FOR OVER 20 YEARS??

(continued)

HOW DID THE MENTAL HEALTH PROFESSION BE-COME GOD ALL MIGHTY? WITH THE POWER AND AUTHORITY TO PRACTICE LAW, WITHOUT A LICEN-SE.FUNCTION AS JUDGE, JURY, PROSECUTOR AND DEFENSE LAWYER. KILL, INJURE AND DESTROY HUMAN LIVES AND FAMILIES. BE CONTINUOUSLY APPOINTED TO USE MEDICAL, SURGICAL, DRUG, RADIATION AND OTHER EXPERTS, THREATS, IN-TIMADATION,TORTURE AND DEATH TO OBTAIN EVIDENCE THAT CANNOT BE OBTAINED UNDER THE 5th. AMENDMENT, MIRADA DECISION OROTHER LEGAL PROTECTIONS.

AND WHY ARE THE MEDICAL REPORTS AVAILABLE TO EVERYONE EXCEPT THE VICTIMS. AND WHY AREN'T THE DOCTORS AND REPORTS FORCED TO SUBMIT TO CROSS EXAMINATION IN A COURT OF LAW..FOR SOME ASSINE REASON THE ENTIRE GOVERNMENT, LEGAL, NEWS AND OTHER PROFESSIONS ARE NOT WILLING TO CHALLENGE THE MEDICAL REPORTS..NOR THE POLITICAL SLAVE STATUS OF THE VICTIMS OF THE MENTAL HEALTH PROFESSION.

PARTIES TO PROCEEDINGS

Organized CRIME BOSS, U.S.District Administrative Judge, Micheal J.Telesca, WDNY. and Former Administrative Judge, John Curtin,now Senior Judge of WDNY. Both Judges having Condoned, Supported and Approved the HIRING OF LOCAL GOVERNMENT PERSONEL TO OPERATE THE FEDERAL COURTS AND ALL AGENCIES. When in FACT said COLLUSSION between Federal Agents and Local Government Agencies. Automatically eliminates all Federal Sup ervision of local Governemnt. And CONDUCES CORRUPTION AND CONTEMPT FOR LAW AND ORDER. And Conceals ALL POLITICAL SLAVERY and the Overthrow of our Constitutional Form of Government. Both Judges having also concealed the 5 Federal Felonys that were filed against the Petitioner in 1985 for the purpose of silencing the Petitioners attempt to secure the Rights and Tools of Citizenship. (continued)

All 5 of said Felony Charges were denied exposure and cross examination in court. Said charges were dismissed by all 14 jurors. Even though Judge Telesca spent 3 hours on the stand exposing his contempt for the petitioner..

The U.S.Dept, of Justice,Civil Rights Div. that was requested by President Johnson to HELP the Petitioner.

The list of Parties could easily reach or exceed 1,000 persons..

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TABLE OF AUTHORITIES

Being Harrassed by Sheriff's Deputies each time the Petitioner attempts to set foot in the Monroe County Hall of Kangaroo Justice. Petitioner has had very little use of the Law Library located within the Hall of Kangaroo Justice.

Petitioner has had to rely upon 67 Yearsof Political Propaganda about our so called Constitution, Bill of Rights and all the other socalled INALIENABLE RIGHTS that are unavailable to the Petitioner.Plus what ever Legal knowledge that he can find by whatever means.

No._____

IN THE SUPREME COURT OF THE UNITED STATES

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George F.Strobridge,
Petitioner

VS

United States of America
United States Attorney General
United States Dept. of Justice
State of New York
New York State Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
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City of Rochester
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American Civil Liberties Union
Rochester Telephone Corporation-
Board of Directors
RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI

TO U.S.COURT OF APPEALS,2nd.Cir.

To the Chief Justice and Associate Justices of the Supreme Court of the United States;

George F. Strobridge, the Petitioner herein, requests that a Writ of Certiorari issue to review the actions and judgements of the District Courts of Western New York and 2nd.Circuit Court of Appeals,decision dated November 19, 1993.

OPINIONS DELIVERED

The subject of this petition begins with the actions of Organized Crime Boss, U.S. District Administrative Judge Micheal J. Telesca, WDNY, who dismissed an Civil Rights action presented by the Petitioner, in May 1983, Judge Telesca ruled Petition er should see a Doctor, then in December 13, 1983, Judge Telesca ruled on another Civil Rights Petition that, Petitioner "Had No Right To Use The COURTS". Said Petition was denied an Appeal by 2nd. Circuit Court of Appeals. Petitioner then attempted to Appeal the Appeal, which resulted in all HELL BREAKING OUT. Judge Telesca's Gang filed 5 Federal Felony charges against the Petitioner, in an attempt to silence the Petitioner. However

Judge Curtin, as Administrative Judge, failed to order the exposure of the 5 felony charges or the cross examination. Judge Telesca's 3 hours on the stand, exposing his CONTEMPT for the Petitioner. The 14 jurors chose to accept the 3 hours of the Petitioner's testomony.And dismissed all 5 felony charges.

Judge Telesca has publically stated that he automatically Dismisses 83% of all Prisoner Civil Rights Actions. A clear ccase of FRAUD and Conspiracy to violate the U.S. RICO ACT and U.S.Civil Rights art 8, sec 241.and the U.S.Rahabilitation Act of 1973. and others.

Judge Telesca did willfully conceal te murder of a Black Political Slave, that was threatened, intimidated, and torture and then shot to death by a Rochester Police Officier.Who now works in Warrants section. And has been involved in repeated False Arrests of the Petitioner.

Judge Telesca having been assigned this case, an then he reassigned this case to aNew Junior JudgeSkretney.Assumably with instructions to Automatically Dismiss.

This being a Prisoner Case, With instructions printed and delivered with the necessary forms. And being that the Prisoner Civil Rights Act was created for the purpose of providing people of all intelligence levels with a CIVILIZED MEANS OF OBTAINING THERE CIVIL RIGHTS. It is questionable whether the District Court and the Court of Appeals have the authority to add 50 million secret procedures, without the petitioner having access to said imformation.

The Conspiracy of the District Court of Western New York to continuously CONCEAL CRIME, CORRUPTION AND HAZARDS FOR THERE OWN PERSONAL GAIN, will be stopped, Legally or otherwise..As well as the coverup, by the 2nd. Circuit court of Appeals.

CONSTITUTIONAL AND STATUTORY PROVISIONS

Constitution of the United States;

14th. Amendment ;

Since each and every U.S.Judge is required to take an Oath to Recognize, Uphold, Protect and Enforce our so called Constitution. Then you have no excuse for not knowing and enforcing said Constitution.

Then it is time for you to explain to the people of the world. WHY the lawyers and news media claim that you have approved the New York State Mental Health Laws. Which appoint all members of the Mental Health Profession as Judges, Jurors, Prosecutors,and Defense Lawyers, or in other words. ""GOD ALMIGHTY". The Mental Health Profession has almost always been appointed to deny and deprive the Petitioner of all RIGHTS AS AN ACCUSED PERSON.. The Mental Health Reports are available to everyone except the Petitioner.All Professional Legal Help is Denied..

If the Lawyers and News Media are correct.And the U.S.Supreme Court continues to Deny and Deprive the Citizens of the United States of America, the use and protection of the law;and the Rights and Tools of Citizenship, that our so called Constitution and bill of Rights provide. Then the U.S. Supreme Court is QUILTY OF TREASON..And Violating its Oath of Office..And said Judges of the U.S. Supreme Court can be removed and Prosecuted.

The involvement of the Mental Health Profession in any case before or during TRIAL, Automatically "OBSTRUCTS JUSTICE". because No Court, Lawyer or anyone else, will recognize, uphold, protect or enforce the RIGHTS OF THE ACCUSED PERSON.....

STATEMENT OF CASE

As previous stated in Parties to Proceedins, pages 3-4 and OpinionsDelivered pages 8-9-10and Constitutional and statutory Provisions, page 11.12

Petitioner, George F. Strobridge has been a Whistleblower for over 30 years. Exposing Crime, Corruption and Hazards. Which has caused a Massive Conspiracy by Government to Silence Petitioner by any means possible..

The WHOREHOUSES OF JUSTICE in Western District of New York, the Legal Profession of the State of New York, The News Media, the Medical Profession, and others. Have jointly CONSPIRED TO SILENCE THE PETITIONER.

Organized Crime Boss, U.S.District Administrative Judge Micheal J. Telesca,WDNY. has dismissed 2 previous Civil Rights Actions. And Filed a Felony Charge against the Petitioner, which was dismissed by 14 Jurors, before District Judge John Curtin.

This Civil Rights Case was orginially assigned to Judge Telesca, he then reassign-

ed the case to a new Junior Judge Skretney. Assumably with instructions to dismiss. Judge Skretney never notified the Petitioner of any Court Proceedings. Since this case is presented under the Prisoner Civil Rights Act and all forms and instructions were provided by the District Court Clerks. And all requirements were followed to the best the Petitioners knowledge and ability. Then Judge Skretney had No Authority to add 50 million SECRET PROCEDURES without the Petitioner having access to said secret imformation.

Judge Telesca's Court having prepared the Instructions and Requirements for the Prisoner Civil Rights Actions. Did he do so to confuse the Petitioners, so as to Deny and Deprive Lay People access to the Constitutional Rights supposedly guaranteed to each and every person in this nation??

Due to the fact that Judge Telesca did file Federal Felony Charges against the Petitioner in 1985. It is questionable

whether the Petitioner should have been required to file said Action in Western District of New York. Because of Judge Telesca's CONTEMPT FOR THE PETITIONER AND ALL OTHER PRISONER PETITIONERS. Telesca having published a report in the newspaper claiming to AUTOMATICALLY DISMISS 83% of ALL PRISONER CIVIL RIGHTS ACTIONS.A clear case of CONTEMPT FOR THE CONSTITUTIONAL RIGHTS OF PRISONERS AND LAY PEOPLE WHO ARE ATTEMPTING TO SECURE THERE CONSTITUTIONAL RIGHTS AND TOOLS OF CITIZENSHIP. And a CONSPIRACY to ROB THE PETITIONERS OF THOUSANDS OF DOLLARS AND THERE CIVIL RIGHTS.

Therefore the 2nd. Circuit Court of Appeals which Automatically Dismiss the Petitioners Actions. Had No Authority to Render a Decision that Violates the Constitution of the United States. Which its Oath of Office swears to UPHOLD THE CONSTITUTION of the United States.

The Original Case, involved Rochester Telephone Corporation who to date has REFUSED TO CORRECT ITS September 1991 BILL. Or return a Corrected Bill to the Petitioner for payment. Instaead the Phone company setup a STING OPERATION. Had a secretary phone the petitioner and instead of discussing the bill. They hose to complain about Petitioners letter to the phone company, which exposed his Political Slave Status. And exposed the fact that the Petitioner had no access to the Use and protection of the law, police, courts, professional Help, or Due Process of Law. Therefore the only recourse available to the Petitioner is Violence. The Security Officier of the phone company involved in the Sting Operation then filed a AGGRAVATED HARRASSMENT CHARGE against the Petitioner. In Violation of the New York Penal Code" Justification Clause" which allows any person to stop a crime or make an arrest.. The Security Officier and secretary having refused to

Discuss or Correct the Illegal Bill. Which resulted in the Petitioner's Phone being Disconnected. In Violation of New York Penal Code. GRAND LARCENY BY EXTORTION. Petitioner as usual was Ordered to submit to still another, So Called Mental Exam, without the presents of a Defense Lawyer. Defense Doctor to interpret the Medical Questions, and without the presents of a Court Stenographer to RECORD THE MENTAL EXAM as required by the MIRADA DECISION. After 7 days in Jail near death. The City Court Dismissed the Charges, without explaination..

The Petitioner having been subject to 22 years of Arrests, Incarcerations, Kidnappings, torture, intimadation, Medical, Surgical, Drug, Radiation and other experiments, threats, Thefts of Property, Possessions, Livlihood, Reputation,and all Use and Protection of the Law, Police, Courts, All Professional HELP and Due Process of Law. Does leave Violence

as the only Recourse and Redress that this nation will allow..

The United Nations Security Counsel will be Petitioned for Help in RESTORING LAW AND ORDER TO THE STATE OF NEW YORK..... Unless the U.S.Spureme Court ORDERS the Appointment of a SPECIAL U.S.PROSECUTOR AND SPECIAL U.S. GRAND JURY TO INVESTIGATE AND PROSECUTE THE WATERGATE OF NEW YORK AND THE JEWISH MAFIA THAT CONTROLS THIS STATE.....

Reasons for GRANTING WRIT

The Judges of the United States of : SUPREME COURT AND ALL FEDERAL JUDGES ARE REQUIRED TO UPHOLD THE CONSTITUTION OF THE UNITED STATES. Therefore it is there duty to RESTORE THE RIGHTS AND TOOLS OF CITIZENSHIP TO THE PETITIONER. BY ORDER_ ING THE APPOINTMENT OF A SPECIAL UNITED STATES PROSECUTOR AND SPECIAL UNITED STATES GRAND JURY TO INVESTIGATE THIS 22 years VIOLATIONS OF THE PETITIONERS RIGHTS.

CONCLUSIONS

Our Constitution, Bill of Rights and other Law, Rules, Regulations etc. were Created for the Purpose of Providing eac h and every person within the jurisdiction of the United States of America, with a Civilized Means of solving or dealing with each and every problem that arises during there lifetime. How ever in the State of New York. The Mental Health Profession has been appointed as Judge, Jury, Prosecutor and Defense Lawyer without any training. And with total Immunity to our Laws.. And in total VIOLATION OF OUR ADVERTISED SYSTEM OF GOVERNMENT.. The Mental Health Profession can totally destroy peoples Rights and Tools of Citizenship. They can subject the people to Medical, Surgical, Drug, Radiation and other experiments and cause the death and injurys of thousands of persons. Without Explaination, Hearing or Trial..And Violence is the only Recourse available to the Victims....

Having spent over a $ 100,000.00 testing so called LAWYERS across the State of New York and testing State and Federal Courts with Civil Actions. Plus Newspaper Ads, Letters, News Media, All Levels of Government Courts and Agencies, 8 U.S. Presidents, Radio, Tv, Churches, Veterans Organizations, and 25 Foreign Nations.And been subject to an endless (19 years) Illegal Divorce, without a plaintiff. The Petitioner has only the United Nations Security Counsel to Petition for Help. Them he will be free to use his knowledge training and experience in all Construction trades, Electronics, Explosives and Weapons to Clean up the Watergate of New York, once and for all.

signed this 28th. day of February, 1994, under penalty of law.

George F. Strobridge

George F. Strobridge, Probe
Petitioner
4058 East Henrietta Road
Henrietta, New York 14467
Tel.No. 716 359 3497

Supreme Court, U.S.
FILED

(2) 931464 FEB - 3 1994

No.

OFFICE OF THE CLERK

IN THE

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October Term, 1993

George F. Strobridge, Petitioner

versus

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United States Attorney General
United States Dept. of Justice
State of New York
New York State Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
Monroe County Public Defender
City of Rochester
Rochester City Court
Monroe County Bar Association
American Civil Liberties Union
Rochester Telephone Corporation,
Board of Directors

RESPONDENTS

"APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI " TO THE 2nd.CIRCUIT COURT OF APPEALS

George F. Strobridge, PRO SE
PETITIONER
4058 East Henrietta Road
Henrietta, New York 14467
Tel.No. 716- 359-3497

13 pp

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""ORDER OF "" U.S.Court of Appeals
2nd. Circuit

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""ORDER OF District Court,WDNY

Pages 5 - 12

Notice to whom it may concern.....
Copies of all papers to be hand delivered to NATION OF CHINA..If the leaders of the Nation of CHINA cannot be allowed to VIOLATE THE RIGHTS OF THE PEOPLE OF CHINA. Then the Courts and Leaders of the United States of America cannot do so either.

The United States of America cannot continue to shove our CONSTITUTION down the throats of the world.While the Leaders and Courts of the United States of America USE OUR CONSTITUTION FOR TOILET PAPER, AS THESE AND OTHER PAPERS PROVE.

JDM ano

Skretney
WDNY
92 CV 575

United States Court of Appeals
for the SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City and County of New York, on the 19th. day of November, one thousands nine hundred and ninety three.

Present; Honorable J.Daniel Mahoney,

Honorable Joseph M. McLaughlin

Honorable Gerald W.Heaney
sitting by designation

Circuit Judges

""Stamp of""
U.S.Court of Appeals
Second Circuit
FILED
Nov.19,1993
Eline B.Goldsmith,Clerk

George F.Strobridge,
Plaintiff-Appellant

-against -

United States of America, et al
Defendants-Appellees

Order
No. 93-6018

Appeal from the United States District Court for the Western District of New York.

This case came on to be heard on the transcript of record from the United States District Court for the Western District of New York,and was submitted.

On CONSIDERATION WHEREOF,it is now ordered, adjudged,and decreed that the judgement of said district court be and it hereby is AFFIRMED.

Plaintiff-appellant George F. Strobridge appeals pro se from a judgement entered January 28, 1993 in the United States District Court for the Western District of New York , William M. Skretney,
Judge, that dismissed Strobridge's complaint with prejudgice for failure to make a short, plain statement of his claim as required by Fed.R Civ.P.8(a)(2).

The district court had initially dismissed Strobridge's complaint with leave to replead, which Strobridge failed to do. We affirm substantially for the reasons stated in the opinion of the district court that dismissed the complaint. See Strobridge V United States, 92CV 575S, (WDNY Jan.5,1993).

signed by Hon.Daniel Mahoney,U.S.C.J.
Hon.Joseph M.McLaughlin,USCJ.
Hon.Gearld W. Heany, U.S.C.J.

N.B. This summary order will not be published in the federal reporter and should not be cited or otherwise relied upon in unrelated cases before this or any other court.

United States District Court
Western District of New York

George F. Strobridge, Plaintiff

DECISION AND ORDER

92-CV-575S

V,

UNited States of America
U.S.Attorney General
U.S.Dept. of Justice
State of New York
New York State Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
Monroe County Public Defender
City of Rochester
Rochester City Court
Monroe County Bar Association
American Civil Liberties Union
Rochester Telephone Corporation,
Board of Directors.

DEFENDANTS

INTRODUCTION

Plaintiff George F. Strobridge filed this action PRO SE alleging violations of his CIVIL RIGHTS pursuant to 42 U.S.C.§§ 1983.

Above Defendants have moved to dismiss the Complaint pursuant to FED.R.Civ.P.8 and/or 12(b)(6).

[1] In addition to his Complaint dated March 24, 1992, Plaintiff submitted documents entitled, "Amendment to Complaint" and "Amendment to Relief Requested" dated July 20, 1992. This Court will consider these amendments as part of plaintiff's original Complaint for the purposes of this Decision and Order.

Plaintiff has also filed a motion seeking to join ten additional defendants, including the United States Postal Service.

For reasons set forth below, this Court Grants Defendants Motions to dismiss the Complaint. Furhtermore this Court denies plaintiffs motion to join additional defendats as moot.

DISCUSSION

A pro se complaint must be liberally construed, Haines V, Kerner, 404 U.S. 519, 520, 92 S.Ct. 594. 596, 30 L.Ed. 2d 652

(1972) (per curiam); Bass V Jackson,790 F.2d 260,262 (2d Cir. 1986, and all possible inferences must be made in favor of the PRO SE plaintiff. Barsella v United States, 135 F.R.D.64,66 (-- S.D.N.Y. 1991). Affording the complaint herein the aforementioned requirements, It nevertheless must be dismissed.

Fed.R.Civ.P. 8(a)(2) mandates that a complaint contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Furthermore,"(e)ach averment of a pleading shall be simple, concise,and direct." Fed.R.Civ.P.8(e)(1). These rules are meant "to compel a plaintiff to identify the revevant circumstances which he claims entitle him to relief in such manner that the defendant is provided with fair notice so as to enable to answer and prepare for trial." Barsella,135 F.R.D. at 65-66;see Salahuddin v cuomo - - -

Salahuddin v cuomo, 861 F.2d 40, 42-2d Cir. 1988); Prezzi V. Berzak, 57 F. R.D. 149,151 (S.D.N.Y. 1972.

Even when liberally construed, plaintiff's Complaint does not meet the pleading requirements of Fed.R.Civ. P.8. Plaintiff's papers contain disjointed, incoherant,vague,and conclusory statements.The myriad allegations made by plaintiff include: a massive conspiracy under the direction of the "Watergate of New York and the Jewish Mafia";political slavery waged against him, marked by false arrests,false inprisonments, false accusations of mental illness, kidnapping, theft of the family farm, and"endless divorce"; sting operations; improper telephone billings, lack of enforcement of separation of church and state;racial, religious and political persecution; and legal malpractice. Plaintiff seeks various forms of relief including injunctive relief,- - -

investigations into several matters cited in complaint,as well as approximately $ 140 billion in daamges.

" When a Complaint does not comply with the requirement that it be short and plain, the Court has the power, on its own initiative, or in response to a motion by the defendants to strike any portionsthat are redundant or immaterial: see Fed.R.Civ.P.12(f) or to dismiss the complaint." Salahuddin, 861 F 2d at 42. Dismissal is appropriate where it is " "confused,ambiguous, vague or otherwise unintelligible that its true substance, if any , is well disquised."Id, In light of the unclear, rambling and generally incomprehensible nature of plaintiff's papers, defenants efforts to answer and prepare for trial are hindered. Thus, a dismissal pursuant tp Fed.R.Civ.P.8 (a) and 12 (f) is warranted.

Given the judiciary"s preference for adjudication of claims based on there merits, rather than on procedural require= ments,it is generally considered an abuse of discreation, absent extraordinary circumstances, to deny leave to amend a complaint when dismissing it for failure to comply with Rule 8 standards. For example, such special conditions exist where leave to amend have already been granted and the successive pleadings remain unsatisfactory or where the substance of the claimis deemed "frivolous on its face." Salahuddin, 861 F.2d at 42.

Because such extraordinary circum - stances do not surround plaintiff's Complaint, it is dismissed without prejudice, with leave to file an amended complaint which "omits unnecessary detail," Id, at 43 and which meets the requirements of Fed. R.Civ.P 8.

CONCLUSION

For the reasons set forth above, this court grants defendants motions to dismiss the Complaint pursuant to Fed. R.Civ.P.8 (a) and 12(f).[2] Consequently plaintiff's motion to join ten additional defendants is moot, and is therefore denied.

---

[2]As to those defendants who have not moved to dismiss,or have moved to dis - miss on grounds other than those set forth by the Court herein, the court dismisses, sua sponte, the Complaint as to them on the grounds stated herein. See Grames V Supreme Court of the State of Alaska, 974 F.2d, 1342, 9th.Cir. 1992) (unpublished disposition)(A trial court may dismiss a claim sua sponte pursuant to Fed.R.Civ.P. 12(b)(6), especially if plaintiff is given notice and a chance to amend the complaint);see also----

Tyler V City of Omaha, 780 F.Supp.1266, 1269-70(D.Nebraska 1991): Perez V Ortiz,849 F.2d.793, 797-80 (2d Cir.1988). Wong V Bell 642 F 2d 359,361-62 (9th. Cir.1981.

ORDER

IT HEREBY IS ORDERED, THAT plaintiff's complaint is DISMISSED, without prejudice, pursuant to Fed.R.Civ.P.8(a) and12(f).

Further, that plaintiff shall file with the Clerk of the Court and serve an amended complaint which complies with Fed.R.Civ.P.8 within (15) days of receipt of this decision and order, or else this action will be dismissed with prejudice.

Further, that plaintiff's motion to join additional defendants is DENIED.

SO ORDERED.

dated January 5, 1993
Buffalo, New York

William M.Skretney
United States District Judge

Attest ; a true cop y
U.S.District Court, WDNY
Rodney C.Early, Clerk